

VIA FACSIMILE  
USSN 09/662,783

### REMARKS

Upon entry of the present amendments, claims 1, 2, 40, and 66-68 are pending in the application.

Claim 1 was amended to recite "consisting of" in place of "comprising", at the Examiner's suggestion. Claim 1 was also amended to recite that the growth factor activity is characterized by induction of proliferation of fibroblast cells. This is supported in the specification at, e.g., p. 120, line 29 – p. 121, line 9; p. 121, lines 27-30.

Claim 2 was amended to remove an improper dependence on claim 1 (to make it independent) and also, as amended, to contain the same functional "growth factor" language as claim 1.

Claim 66 was amended to recite the same functional "growth factor" language as claim 1.

Claims 67 and 68 are duplicates of claim 40, wherein the subject matter of claim 40 additionally depends from each of claims 2 or 66.

No new matter has been added by the amendments.

### REJECTIONS

#### Rejection under 35 U.S.C. §112, second paragraph

Claims 1, 2 and 40 remain rejected under 35 USC §112, second paragraph.

Claim 1 has been amended to state that the polypeptide consists of the amino acid sequence of SEQ ID NO:4, as suggested by the Examiner. Claim 1 has also been amended to recite that the growth factor activity is characterized by induction of proliferation of fibroblast cells, and, as amended, is clear. Claim 40 depends from claim 1, and thus the rejection is overcome for this claim also.

Claim 2 has been amended to correct the dependency on claim 1 (making it independent), and amended to recite that the polypeptide is "isolated", and has a growth factor activity characterized by induction of proliferation of fibroblast cells.

Finally, claim 66 has been amended to recite that the polypeptide has a growth factor activity characterized by induction of proliferation of fibroblast cells. The Examiner has noted that claim 66 does not recite either a homodimer or a heterodimer – that is because the

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polypeptides may be either homodimers or heterodimers of the expressly recited group, as the specification makes clear at p. 123, lines 22-25.

In view of these amendments, the §112 indefiniteness rejections should be withdrawn.

#### Rejection under 35 U.S.C. §101

Claim 66 stands rejected as covering a polypeptide existing in nature. Claim 66 has been amended to recite that the polypeptide is "isolated" in accordance with the Examiner's suggestion. Claim 2 has been similarly amended. The rejection is overcome.

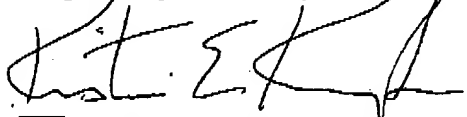
#### Rejection under 35 U.S.C. § 102

Claims 1 and 40 were rejected as being anticipated by Eriksson *et al*, WO 00/27879. The Examiner suggested amending claim 1 to recite "consisting of" in place of "comprising" to overcome the rejection. Applicants have made the suggested amendment. The rejection is overcome.

#### CONCLUSION

We submit that the application is in condition for allowance, and such action is respectfully requested. Should any questions or issues arise concerning the application, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,



Ivor R. Elrifi, Reg. No. 39,529

Kristin E. Konzak, Reg. No. 44,848

Attorney for Applicants

Tel.: (617) 542-6000

Fax: (617) 542-4997

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Please address all written correspondence to customer number 30623.



30623

PATENT TRADEMARK OFFICE